

DEVELOPMENT CONTROL PANEL

19 August 2020

Item: 2

Application No.:	19/03351/FULL
Location:	Thames Hospicecare Pine Lodge Hatch Lane Windsor SL4 3RW
Proposal:	Redevelopment of the former Thames Hospice to provide a retirement housing development of x45 dwellings comprising x3 two-storey terraced houses, x4 two-storey semi-detached houses, x2 2.5-storey apartment blocks and x1 three-storey apartment block with associated parking, car port, landscaping, refuse stores and cycle stores, following demolition of the existing building.
Applicant:	Beechcroft Developments Ltd
Agent:	Mr Christopher Colloff
Parish/Ward:	Windsor Unparished/Clewer East
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for the redevelopment of the site which is currently occupied by Thames Hospice Care to a retirement housing development of 45 residential units intended for persons aged 55 and above. The loss of the community facility is acceptable as it is considered that there is an acceptable alternative provision made elsewhere and the redevelopment of the site to provide older persons' housing to meet an identified local need is supported in principle.
- 1.2 The impact on character and appearance is considered acceptable in terms of density, layout, height, form, mass and architectural detailing. The proposed loss of these trees would not unduly harm the green character of the site or surrounding area. Satisfactory mitigation and protection measures are proposed which are considered to ensure the health and longevity of retained trees.
- 1.3 The proposed development is not considered to result in a visual intrusion, loss of light or loss of privacy that would reduce neighbouring amenity to an unacceptable living standard. The proposed access is considered safe for vehicles and pedestrians, and satisfactory car and cycle parking is provided. There is an increase in trips to and from the site, but the level is not considered to give rise to a severe impact on the local highway network or in terms of air quality both individually and cumulatively with other development to warrant refusal.
- 1.4 It has been demonstrated that a satisfactory sustainable drainage scheme and measures to minimise impacts on and provide net gains for biodiversity can be achieved on site.
- 1.5 30% (14 units) of the proposed residential units on site are provided as affordable housing, which can be secured by legal agreement.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the affordable housing provision in Section 9 of this report and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if an undertaking to secure the affordable housing provision in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would not be accompanied by associated infrastructure improvements.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application; such decisions can only be made by the Panel

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 0.63ha and lies within the settlement of Windsor on the east side of Hatch Lane. A central access serves the site from Hatch Lane and the site currently comprises of a large, part single storey-part two storey building which is occupied by Thames Hospice Care. To the west and north of the site is an area of hardstanding for car parking and turning measuring approximately 2080sqm. To the east is a garden located in between the Hospice building and the car parking area along the northern boundary measuring approximately 435sqm, while to the south is an area of open amenity space measuring approximately 825sqm.
- 3.2 Hatch Lane bounds the site to the west with Clewer Green First School on the opposite side of the road, while a footpath leading from Hatch Lane to Longbourn bounds the site to the north. To the north of the footpath are detached residential properties fronting on to Hatch Lane. To the north-east is the Longbourn housing development while to the south-east is playing fields belonging to Windsor Girls School.

4. KEY CONSTRAINTS

- 4.1 The Proposal Map designates part of the site as Public Open Space. To the north-east is a group Tree Preservation Order (TPO) ref: 019/2005/TPO which covers all trees, while to the south is a group TPO ref: 004/2020/TPO which covers all Oak, Monterey Cypress, Leyland Cypress and Corkscrew Willow trees.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the redevelopment of the site to provide a retirement housing development of 45 dwellings comprising of 3 x 2-storey terrace houses, 4 x 2-storey semi-detached houses, 2 x 2.5-storey apartment blocks and 1 x 3-storey apartment block with associated parking, a car port with accommodation over, landscaping, refuse stores and cycle stores following demolition of the existing building.
- 5.2 The proposed retirement housing is for people aged over 55 and has been designed with features to meet the needs, including the changing needs over time, of older residents. These are set out in the Design and Access Statement.
- 5.3 The proposal was originally for 50 residential units but was subsequently reduced to 45 units. The number of car parking spaces has also been reduced accordingly from 66 car parking spaces to 49. Other changes include the following:
- H3 has been moved to align with H1 and H2
 - Driveway to H1 has been relocated approximately 5.5m to the south
 - H6 and H7 have been moved north by approximately 0.7m, and the proposed first floor terraces have been removed.
 - Cycle and refuse storage have been incorporated in the building forming the carport with apartments over.
 - The footprint of the Block A has been simplified and reduced by approximately 117sqm from approximately 463sqm to 346sqm. The siting of Block A has also been moved south by approximately 2.5m.
 - The footprint of Block B has been reduced by approximately 8sqm from approximately 602sqm to 594sqm. The siting of Block B has also been moved south by approximately 3.7m.
 - The footprint of Block C has reconfigured into a more rectangular plan form and been reduced by approximately 149sqm from approximately 599sqm to 450sqm.

5.4 The terrace houses (H1-H3) and a pair of semis (H4-H5) front onto Hatch Lane, with the access road leading from Hatch Lane sited in between. To the rear of these properties is a car port with apartments above on the northern side of the access road, and there is another pair of semi-detached houses on the southern side. The car port and apartment building and the semi-detached houses front onto the access road. To the east of these properties are Block A and C which are 2.5 storeys in height on the northern and southern side of the access road, respectively. Located adjacent to Block A to the east is Block B, which is 3-storeys in height. The main parking area for each are located to the west of each block. The proposed accommodation of housing is as follows:

	Type	No of Bedrooms	Floor Area (approx.)	Amenity Space	Tenure
<i>Terrace fronting Hatch Lane</i>					
H1	House	3-bed	135sqm	Private garden and terrace	Market
H2	House	3-bed	132sqm	Private garden and terrace	Market
H3	House	3-bed	135sqm	Private garden and terrace	Market
<i>Semi-detached houses fronting onto Hatch Lane</i>					
H4	House	2-bed	136sqm	Private garden and terrace	Market
H5	House	2-bed	136sqm	Private garden and terrace	Market
<i>Semi-detached houses fronting onto access road</i>					
H6	House	3-bed	156sqm	Private garden	Market
H7	House	3-bed	156sqm	Private garden	Market
<i>Apartment Block A</i>					
A1	Flat	2-bed	79sqm	Private garden and communal	Shared Ownership
A2	Flat	2-bed	79sqm	Private garden and communal	Shared Ownership
A3	Flat	2-bed	78sqm	Private garden and communal	Shared Ownership
A4	Flat	2-bed	78sqm	Private garden and communal	Shared Ownership
A5	Flat	2-bed	79sqm	Communal	Shared Ownership
A6	Flat	2-bed	78sqm	Communal	Shared Ownership
A7	Flat	2-bed	77sqm	Communal	Shared Ownership
A8	Flat	2-bed	77sqm	Communal	Shared Ownership
A9	Flat	2-bed	80sqm	Communal	Shared Ownership
A10	Flat	2-bed	80sqm	Communal	Shared Ownership
A11	Flat	2-bed	79sqm	Communal	Shared Ownership
A12	Flat	2-bed	79sqm	Communal	Shared Ownership

<i>Apartment Block B</i>					
B1	Flat	2-bed	110sqm	Private garden and communal	Market
B2	Flat	2-bed	105sqm	Private garden and communal	Market
B3	Flat	2-bed	107sqm	Private garden and communal	Market
B4	Flat	2-bed	100sqm	Private garden and communal	Market
B5	Flat	2-bed	103sqm	Private balcony and communal	Market
B6	Flat	2-bed	107sqm	Private balcony and communal	Market
B7	Flat	2-bed	105sqm	Private balcony and communal	Market
B8	Flat	2-bed	100sqm	Private balcony and communal	Market
B9	Flat	2-bed	110sqm	Private balcony and communal	Market
B10	Flat	2-bed	103sqm	Private balcony and communal	Market
B11	Flat	2-bed	105sqm	Private balcony and communal	Market
B12	Flat	2-bed	103sqm	Private balcony and communal	Market
B13	Flat	2-bed	100sqm	Private balcony and communal	Market
B14	Flat	2-bed	110sqm	Private balcony and communal	Market
<i>Apartment Block C</i>					
C1	Flat	2-bed	121sqm	Private garden and communal	Market
C2	Flat	2-bed	121sqm	Private garden and communal	Market
C3	Flat	2-bed	100sqm	Private balcony and communal	Market
C4	Flat	2-bed	106sqm	Private balcony and communal	Market
C5	Flat	2-bed	106sqm	Private balcony and communal	Market
C6	Flat	2-bed	102sqm	Private balcony and communal	Market
C7	Flat	2-bed	103sqm	Private balcony and communal	Market
C8	Flat	2-bed	105sqm	Private balcony and communal	Market
C9	Flat	2-bed	105sqm	Private balcony and communal	Market
C10	Flat	2-bed	103sqm	Private balcony and communal	Market
<i>Apartments over Car Port</i>					
Apartment 1	Flat	1-bed	75sqm	Communal	Shared Ownership
Apartment 2	Flat	1-bed	75sqm	Communal	Shared Ownership

5.4 Relevant planning history is as follows:

Reference	Description	Decision
463170	Change of use and extension of existing building to provide hospice	Approved – 08.06.84
463666	Extension and alterations to existing building providing hospice	Refuse – 11.06.85
464360	Extension and alterations to existing building providing hospice	Approve – 25.06.86
89/01950/FULL	Change of use of existing dwelling to provide accommodation for patient families, office use and store	Approve – 16.11.1989
91/01562/FULL	Two storey extension to provide conservatory to day centre with staff facilities above and ground floor extension with central courtyard	Approve – 24.10.1991
95/01782/FULL	Change of use from residential to provide accommodation for patient families and for office use.	Approve – 24.02.2995
95/01783/FULL	Extension of existing car park to provide 10 additional parking spaces	Approve – 21.07.1995
99/77842/OUT	Erection of two storey rear extension (incorporating land at Windsor Girls school) (resubmission)	Approve – 08.03.1999
00/79318/REM	Erection of a two storey rear extension incorporating land at Windsor Girls School (reserved matters for 99/77842)	Approve – 12.04.2002
07/01723/FULL	Construction of a single storey front extension and alterations to car park layout	Refuse – 29.06.2007
08/00031/FULL	Single storey front extension with new front entrance. Alterations to car park layout and associated landscaping	Approve – 03.01.2008
13/01867/FULL	Single storey glazed link leading to single storey extension to the rear of the site with landscaped garden and change of use to provide additional car parking area	Approve – 02.07.2013

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Loss of Community Facility	CF1
Housing Provision	H3, H8, H9,
Character and Appearance	DG1, H10, H11
Open Space	R3, R4, R5
Highways	P4, T5, T7
Trees and Hedgerows	N6

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2019)

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-Designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

National Design Guide

7.2 This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics help which work together to create its physical character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.3 Borough Local Plan: Submission Version and Submission Version Proposed Changes

Issue	BLPSV Policy	BLPSVPC Policy
Loss of Community Facility	IF7	IF6
Character and Appearance	SP2, SP3	QP1, QP3
Housing Provision	HO2, HO3, HO5	HO2, HO3
Open Space	IF4	IF4
Sustainable Transport	IF2	IF2
Trees	NR2	NR3
Neighbouring Amenity	EP1, EP3, EP4	EP1, EP3, EP4

7.4 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.5 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

7.6 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Supplementary Planning Documents and Guidance

- Borough Wide Design Guide
- Affordable Housing Planning Guidance
- Interpretations of Policies R1, R2, R3, R4, R5 and R6
- Planning for an Aging Population

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200209/planning_policy

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 4 December 2019 and the application was advertised in the Local Press on 12 December 2019.

13 letters were received objecting to the application, summarised below. Following amendments to the proposal, re-consultation was undertaken. 6 letters were received which confirmed objection still stood.

Comment	Where in the report this is considered
Unbalanced demographic towards elderly residents	Section 9 (i)
Affordable Housing is of a lower standard	All housing proposed, including affordable housing is of an acceptable standard. Section (iv).
Insufficient / inadequate parking, resulting in indiscriminate on-street parking problems and highway safety.	Section 9 (v)
Inadequate cycle and refuse storage provision, of poor design and location	Section 9 (v)
Location is unsuitable for elderly residents as there are no services and shops within walkable distance, therefore requires a car / driving thereby increasing traffic. Additional traffic resulting in an increase in congestion and air pollution.	Section 9 (v)
Introduction of vehicular access to the detriment of highway safety	Section 9 (v)
Objections to gated access onto public footpath which will lead to shortcuts and raises concerns over maintenance.	Section 9 (v)
Removal of verge and greenery on frontage resulting in harm to the streetscene	Section 9 (ii)
Excessive density and over development of the site, and excessive height, scale and mass which is out of character with the locality. Conflicts with the Council's Borough Wide Design Guide.	Section 9 (ii)
Insufficient amenity space provided, and soft landscaping to soften hardscaping / parking areas	Section 9 (ii)
Harm to TPO trees.	Section 9 (iii)

Height, bulk, balconies and proximity to site boundary results in harm to neighbouring amenity in terms of loss of light, overlooking and visual overbearing.	Section 9 (iv)
Noise and disturbance during construction	A construction environmental management plan condition recommended. Legislation covering control of noise is found in the Environmental Protection Act 1990 and Control of Pollution Act 1974. Communities with concerns regarding noise can contact the local authority under this legislation.
Would cause subsidence	No significant evidence has been provided to support that it would lead to geological instability or subsidence.
Weight should be given to the BLP	Section 7

Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Office	<p>Group of off-site trees TG47 and TG58 are an important landscape feature within the local and wider landscape, and should be classed as A2 rather than B2, and B2 rather than C1, respectively.</p> <p>T19, T20 and T21, located in the grounds of Windsor Girls School, considered to be veteran trees and significant landscape features.</p> <p>Raises objections due to the following concerns:</p> <ul style="list-style-type: none"> - Intrusion into the root protection area of veteran tree T20 by car parking bay 42 and 43, and a patio area, to the detriment of its health and longevity. - Intrusion into the root protection area of T9, T12 and T13. - South elevation of block C will be shaded by the oak trees T20 and 21; while the south elevation and garden area of H6 and H7 will be shaded by T3 and T6-T9; and the north elevation of Block A and B will be shaded by T47 and TG58. This will lead to post-development pressure to prune, which will negatively impact their health and their long term viability. - Offsite trees will cause significant shading issues for H6 and H7, leading to pressure to prune. - The canopy spreads and root protection areas for tree groups G58 and G47 need to be annotated on a site layout plan to assess the current proposed and future relationship (branch contact, shade etc) with H1, block A and B. 	Section 9 (iii)

	<ul style="list-style-type: none"> - No details of existing and proposed underground utility services have been provided. - The proposed landscape is not considered sustainable in the long term, specifically the Malus Tschonoskii and Prunus by Block A, the Malus Tschonoskii by Block B, and the Liquidambar tree by Block C. 	
Conservation Officer	In addition to the recording of the building to the appropriate Historic England standard, requests the developer considers re-using elements of the building, for example architectural details such as the date stone, tracery stonework and door in the new buildings.	Section 9 (ii)
Ecology Officer	No objection subject to conditions relating to a Landscape Ecological Management Plan (LEMP) which includes a landscape plan to show location and details of biodiversity enhancements.	Section 9 (ix)
Environment Agency	Wishes to make no comment.	Noted.
Housing Enabling Officer	No objection, recognises that SHMA highlights a future need for older person's accommodation in both the market and affordable housing sectors across the study area of Berkshire, and it is for local authorities to determine the extent of future affordable specialist housing based on local knowledge and demand data. Recognises that conditions including the completion of a satisfactory S106 agreement and nomination arrangements with the local authority is an effective way of ensuring the affordable housing provision is delivered to meet local housing needs in the Borough.	Section 9 (vii)
Lead Local Flood Authority	No objection subject to condition relating to a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment.	Section 9 (vi)
Thames Water	No objection in relation to foul water sewerage and surface water network infrastructure capacity. Recommends informatives relating to mains water use for construction purposes and minimum water pressure and flow rates for future customers.	Section 9 (vi)

Other Interested Parties

Group	Comment	Where in the report this is considered
Windsor and Eton Society	<p>Objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> - Poor Layout, focal point of new road will be parking / over dominance of parking areas - Lack of meaningful landscaping and reliance on off-site trees to provide 	Sections 9 (ii), (iii), (iv), (v)

	<p>verdant setting</p> <ul style="list-style-type: none"> - Harm to adjoining trees - Prone to surface water flooding - Lack of amenity for flats, some amenity space is usable - Single aspect for flats facing trees, leading to poor outlook and loss of light - Loss of hedge and biodiversity - Increase in vehicles, harm to highway safety <p>Following re-consultation on the amended plans, while there are some improved aspects of the scheme, objections still stand.</p>	
Windsor Neighbourhood Plan Forum	<p>Objects to the proposal for the following reasons:</p> <ul style="list-style-type: none"> - Loss of Pine Lodge, a non-designated heritage asset - Cramped overdevelopment due to excessive density - Layout dominated by parking, lack of meaningful landscaping - Overlooking into neighbouring properties - Loss of greenery - Impact on highway safety as a result of new access points onto Hatch Lane <p>Some aspects of the design attempt to fit in with local character</p>	Sections 9 (ii), (iv) and (v)

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Character and Appearance
- iii Trees
- iv Residential Amenity
- v Highway Safety and Parking
- vi Sustainable Drainage
- vii Affordable Housing
- viii Open Space
- ix Ecology
- x Other Material Considerations

i Principle of Development

- 9.2 Community facilities contribute towards sustainable development and include health care facilities such as a hospice. Local Plan policy CF1 states that the Council will not permit the loss of existing community facilities unless it is satisfied that there is no longer a need for them, or an acceptable alternative provision is to be made elsewhere.
- 9.3 In this case, planning permission for a 28-bed Hospice with an out-patient unit, counselling and education facilities, and fundraising administration and clinical support offices was granted on 28 March 2018, ref: 17/00798/FULL, at land south of Bray Lake which will re-provide facilities at Pine Lodge in Windsor and Paul Bevan House in Ascot. This development commenced in January 2018. On this basis, in accordance with Local Plan policy CF1 it is considered that an acceptable alternative provision is made elsewhere.
- 9.4 The Proposal Map indicates that part of the site is designated as Public Open Space, and Local Plan policy R1 seeks to protect existing public open space. However, it is noted that previous extensions of the hospice (ref: 99/77842/OUT and 00/79318/REM) incorporated part of the playing fields at Windsor Girl's School. Therefore, the designation is out-of-date, and the loss of Public Open Space is no longer applicable.
- 9.5 In terms of redevelopment of the site for housing, the aim to significantly boost the supply of housing represents a key element of national planning policy as set out at in paragraph 59 of the NPPF. Within the Borough, the Council's Strategic Housing Market Assessment (SHMA) has identified a housing need of 14,240 new dwellings from April 2013 to April 2033. Windfall sites which are impractical to identify in advance are expected to provide approximately 2,065 units during this period. Therefore, in this context the Council will generally be supportive of new residential development on sites that unexpectedly become available, such as this, provided that the proposal complies other policies in the Local Plan.
- 9.6 Furthermore, paragraph 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. In this case the site comprises of previously developed land located in Windsor, which is a suitable settlement for homes.
- 9.7 In relation to older persons' housing, the NPPF defines 'older people' as people over or approaching retirement age including active elderly to the very frail, and whose housing needs can encompass accessible, adaptable general needs housing through to the range of retirement and specialised housing for those with support or care needs. The SHMA highlights a future need for such housing in the Borough, and Local Plan policy H8 states that the Council will expect development to contribute towards improving the range of housing accommodation and will favour proposals which include housing for those with special needs. In this context, it is considered that the proposal for retirement accommodation will help meet an identified need within the Borough, and therefore supported in principle. If minded to approve, a condition is recommended to ensure that the housing is used solely for the designed purpose of providing accommodation for person or persons who, for the purposes of acquiring purchase or lease, will have a minimum age 55 living as part of a single household.

ii Character and Appearance

Loss of the Existing Building

- 9.8 Part of the existing building comprises of a lodge house, which will be demolished to accommodate the proposed development. As a good example of mid-19th century lodge architecture its loss is regrettable, but the existing lodge house is not Listed nor in a conservation area. The submitted Heritage Statement confirms that there is very little original fabric of the lodge left to conserve. Therefore, the demolition of the existing building is acceptable in principle.
- 9.9 The Council's Conservation Officer has suggested that the proposed buildings reuse architectural features in the lodge house such as the date stone, tracery stonework and the door. While this is desirable, when considered against relevant planning policy, non-compliance is not considered to warrant refusal.

Density

- 9.10 In terms of an appropriate density, the proposal will result in approximately 71 dwellings per hectare, which represents a high density development. Paragraph 117 of the NPPF sets out that planning decisions should promote an effective use of land, while paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting an identified housing need it is especially important that planning decisions avoid homes being built in low densities, and ensure that development make optimal use of the potential of each site. As set out in section 9 (ix) the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). In this context, the quantum of development is acceptable in principle.
- 9.11 Balanced against this, paragraph 117 of the NPPF qualifies the effective use of land with the requirement to safeguard and improve the environment, while paragraph 122 of the NPPF states that making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.

Design Policies

- 9.12 Local Plan policy H10 requires new development to display a high standard of design and where possible to enhance the existing environment, while policy DG1 states that harm should not be caused to the character of the surrounding area. The Borough Wide Design Guide SPD, which supports the aims and objectives of the above Local Plan policies, sets out the over-arching specific design considerations for all scales and types of development from strategic design principles down to detailed matters.
- 9.13 As a material consideration, paragraphs 124 and 130 of the NPPF advises that high quality buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions. The National Design Guide also sets out the characteristics of well-designed places and what good design means in practice.

Identified Character of the Area

- 9.14 The site falls within an area identified as a 'Victorian Village' in the Council's Townscape Assessment. A 'Victorian Village' is mainly characterised by principal streets with larger 2 to 3 storey buildings on irregular plots and no front gardens, and secondary side roads which also consist of irregular plots but are typically narrower with smaller 2-storey houses with front gardens. Backland development has occurred along most streets, resulting in shortened plots and higher densities. Building styles are characterised by mid-late Victorian and early-Edwardian architecture with building materials consisting predominately of warm-red brick built buildings with stone accents and / or clay tile hangings, and slate roofs. Due to the higher density, open space is limited and generally restricted to private gardens. However, these gardens often contain mature trees and vegetation, which contribute to the greenery of the townscape.
- 9.15 Hatch Lane, which the site forms part of, is a secondary road leading off Clewer Hill Road (the principle street) and the pattern of development largely conforms to the 'Victorian Village' characteristics identified above.

Siting, Form, Height, Scale and Architectural Detailing

- 9.16 The proposal would result in an approximate density of 71dph across the site. The Borough Wide Design Guide states that the Royal Borough has a limited supply of housing, and thus it is important that this resource is used efficiently to deliver the new development that the Borough needs. This will involve intensifying the urban fabric in terms of the amount of built mass and amount of homes. However, the proposal comprises of lower density 2-storey houses to the west of the site towards Hatch Lane with higher density 2.5 to 3 storey flatted development to the east of the site towards Longbourn. This is reflective of the existing pattern of development with 2-storey houses along Hatch Lane and 3-storey flatted development at Longbourn, and so the proposal is considered appropriate in this respect. The Council's Borough Wide Design Guide

also states that places with a mix of densities are important to create balanced and sustainable communities, and therefore generally encouraged.

- 9.17 The proposed housing along Hatch Lane (H1-H5) would provide an active frontage at this interface, which is supported as good design. The proposal would result in the loss of a grass verge and vegetation along the frontage, but as shown in the site layout H1-H5 include front gardens. If minded to approve, full details of the landscaping can be secured by condition.
- 9.18 The architectural design of H1-H5 are cottage style incorporating relatively plain features and the predominate architectural style of the area is mid-late Victorian and early-Edwardian architecture, however, the siting, form, height and scale of H1-H5 are consistent with existing houses on Hatch Lane. Furthermore, the Design and Access Statement confirms brick walls with stone detailing, which reflects the identified material palette of the wider area. Clay tiles are proposed for the roof, and there are existing examples along Hatch Lane. Therefore, it is not considered that H1-H5 would appear overly obtrusive within the streetscene or wider locality. The front and rear gardens to H1-H5 are short, but the Council's Townscape Assessment notes short front gardens are characteristic of properties on secondary roads such as this and backland development has occurred along most streets have resulted in shortened plots to frontage properties. As such, the proposal is not considered out of keeping in this respect.
- 9.19 Within the site it is considered that the proposed separation distances between buildings and the incremental increases in height from the west to east of the site would result in an acceptable visual transition from the more human scale of the houses fronting Hatch Lane to the tallest building on the site (Block C) and to the development beyond at Longbourn.
- 9.20 Due to their height and scale, Block A, B and C are substantial buildings, but it is considered that the proposed form, detailing and materials have been designed to visually break up their mass. The approach of articulating the form of the building is recognised in the Borough Wide Design Guide as method of integrating large scale and mass into a finer grain environment. Furthermore, following the reduction in footprint and simplification of the plan form of Block A and C, the space around all three apartment buildings are considered to provide an adequate setting for the height, footprint and mass of each building. As such, the apartment blocks are not considered to be visually dominant or cramped within the plot.
- 9.21 The form and detailing of Block A, B and C are reflective of the post-war residential flats at Longbourn. The Council's Townscape Assessment identifies that these flats are generally simple in appearance with balconies and portico entrance, but with minimal architectural detailing and a minimal palette of materials of brick, render and uPVC or metal windows and doors. While the two developments would not necessarily be seen together from the public the same public vantage point, the reflection is not considered to be inappropriate.
- 9.22 Parking courts are proposed for the flatted development. With the reduction in units, there has been a consequential fall in the number of car parking spaces proposed from 66 car parking spaces to 49. This has also allowed an increase in green space. Overall, proportion and location of green space within the site is considered to sufficient soften the amount of hardstanding within the site.
- 9.23 The proposed houses at H6 and H7 are similiar to H4 and H5, and acceptable for the same reasons. The aesthetic design of the car port with apartments over is of a timber framed building with a brickwork plinth and plain tiled roof. The appearance and character of these properties are not considered to be detrimental to the character of the site or wider area.
- 9.24 Overall, it is considered that the proposed development would not harm the character and appearance of the streetscene and wider area.

iii Trees

- 9.25 Local Plan policy N6 requires new development to allow for the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during

development, and where the amenity value of trees outweigh the justification for development then planning permission may be refused.

- 9.26 An Arboricultural Report and Tree Condition Survey has been submitted to support the proposal which includes a Tree Survey, drawing ref: TSP-01. There are several trees located within the site, which are not protected. However, to the north-east of the site, located in the Longbourn estate, are a group of trees covered by TPO ref: 019/2005/TPO. The group (TG47 and TG58) are considered to be an important landscape feature within the locality, and the TPO applies to all species. To the south of the site, located on land that forms part of Windsor Girls School and the rear garden of Greenridge, are 3 Oaks (T19, T20, T21), 1 Monterey Cypress (T12), 1 Leyland Cypress (T13) and 1 Corkscrew Willow trees (T9) which are covered by TPO ref: 004/2020/TPO. As a group, the trees are considered to be an important landscape feature within the locality. The 3 Oak trees are considered to be veteran trees, which make a particularly significant contribution to the amenity of the area. A veteran tree is defined in the NPPF as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value.
- 9.27 To accommodate the proposal 25 trees within the site are to be felled. These trees are identified in Table A of the Arboricultural Report, as well as two mixed groups (TG18 and TG57). These trees have been identified as being 'C' category trees which are normally considered to be low quality. Except for T1 (Lawson Cypress), which is mature ornamental conifer, these trees are also young or semi-mature ornamental trees. Therefore, on balance, it is not considered that the trees are of such importance or sensitivity to be a major constraint on development, and overall loss of these trees would not unduly harm the green character of the site or surrounding area.
- 9.28 In relation to retained trees on site and on adjoining land, the siting footprint of Block C has been altered to reduce the intrusion within the Root Protection Area (RPA) of T20, which is a veteran Oak. It is noted that there is still some intrusion into the RPA of T20, namely parking bays 42 and 43 and a patio area, but the intrusion equates to less than 1% and the parking bays and patio area can be constructed to avoid excavation and with a permeable and porous surface and sub-base to minimise the impact on the rooting environment. On balance this is not considered to sustain a refusal.
- 9.29 Parking bay 44 would also intrude through the RPA of T9, which is classed as a 'B' category tree, while parking bay 15 and part of the turning area would intrude through the RPA of 3 trees of which form part of TG58 which are classed as 'C' category trees. Again, given the minimal level of intrusion and considering construction methods which can avoid excavation and the use of permeable and porous surface and sub-base, it is considered that these measures would sufficiently minimise the impact on the rooting environment. In relation to intrusion into the RPA of T12 and 13, which has been raised by the Arboriculture Office, the scheme has been amended to address this and the proposed development now sits outside the RPA of these trees.
- 9.30 In addition, the tree protection mitigation and protection measures contained in the Arboricultural Report and Tree Condition Survey can be secured by condition. Details of proposed underground utilities such as foul water, gas, electric, telecommunications and portable water can also be secured by condition to ensure that these works fall outside the RPA of trees.
- 9.31 In terms of the shading of habitable rooms by trees, which may lead to the pressure to fell or prune to the detriment of their health and longevity, the siting and footprint of Block C has been amended to increase the distance to a minimum of 12m between the proposed south elevation and the canopy of Oak trees T19, T20 and T21. This separation distance is considered sufficient to allow a satisfactory level of light into habitable rooms at Block C. The amendments to Block C also increases the amount of communal amenity space beyond the canopy of T19, T20 and T21 to approximately 270sqm thereby improving the amount of usable space. It should also be acknowledged that when daylight and sunlight is at its scarcest and most valuable, the oak trees will not be in leaf.
- 9.32 There is approximately 5m from the nearest window on the south elevation of proposed house H6 and H7 and the canopy of T3 and T6-T9, and there is a minimum of 40sqm of amenity space beyond the canopy of T3 and T6-T9. This relationship is not considered to result in undue overshadowing to habitable rooms or garden space, which reduces amenity to an unacceptable

level. Again, it is noted that plum, ash and willow trees are deciduous trees, and so when daylight and sunlight is at its scarcest during the autumn and winter months these trees will not be in leaf.

- 9.33 The north elevation of Block A and B are approximately 4m from the canopy of TG58 and TG47, respectively. Given this distance, together with the south siting of Block A and B to these trees, it is not considered that TG58 and TG47 would cause undue overshadowing to habitable rooms and amenity space.
- 9.34 TG48 would overhang the rear garden area of H1 but given the extent and the north siting of the tree it is not considered to result in undue overshadowing of the rear garden of the proposed house at H1.
- 9.35 The Council's Arboriculture Officer raised concerns over the sustainability of identified species in the proposed landscape plan, in particular Malus Tschonoskii and Prunus by Block A, the Malus Tschonoskii by Block B, and the Liquidambar tree by Block C. However, details of a satisfactory landscaping scheme to be submitted and approved by the Local Planning Authority can be secured by condition.

iv Residential Amenity

- 9.36 Local Plan policy H11 states that in established residential areas development which introduces a scale or density that would cause damage to the amenity of the area would be resisted. In support, the Borough Wide Design Guide advises that housing development should seek to make effective use of land without adversely impacting on the amenity of neighbours. As a material consideration, paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.37 In this case the terrace houses (H1-H3) are sited generally in line with Chestnuts, the adjacent neighbour to the north, and would not project significantly further forward or rearward of this neighbouring house. As such, the proposed terrace is not considered to result in undue loss of light or outlook to front or rear windows at Chestnuts. There is a ground and first floor side window at Chestnuts, which the proposed terrace houses would extend across. The proposed terrace would intrude through a 25 degree elevational line when taken from the mid-point of both windows. However, this intrusion occurs at approximately 5m and 8m from the ground floor and first floor window, respectively. Furthermore, from planning history records it is also noted that the first floor room benefits from additional light and outlook from a front and rear window while the ground floor room is also served by a rear window. It is therefore not considered that these rooms would experience undue loss of light or visual intrusion that would reduce amenity to an unacceptable level. In terms of privacy, a first floor terrace is proposed to the rear elevation, the nearest of which would be sited approximately 8m from the boundary with Chestnuts, but the Design and Access Statement confirms the inclusion of privacy screens. The Borough Wide Design Guide acknowledges screening as an effective method to prevent overlooking of private spaces. In this case, with the inclusion of privacy screens, views towards Chestnuts from the first floor terrace would be oblique. Oblique views are considered mutual and common in suburban locations such as this. Details of the privacy screen can be secured by condition.
- 9.38 The car port with apartments is sited approximately 12.7m from the shared boundary with Chestnuts. This separation distance together with its scale (approximately 17.5m in width and 8m in height) and form (hipped roof sloping away from the shared boundary) is considered to sufficiently mitigate any visual intrusion and loss of light to the rear garden. In terms of privacy, the 12.7m distance is also considered to mitigate any undue overlooking. Furthermore, in relation to privacy, the Borough Wide Design Guide advises that the most sensitive area is first 3m of private space behind the rear elevation. The proposed car port with apartments face the middle section of the garden.
- 9.39 Block A is sited approximately 5m away from the shared boundary with Chestnuts but would face the rearmost section of the garden. As such, it is not considered that Block A would reduce amenity to an unacceptable level in terms of visual intrusion, loss of light or loss of privacy.

- 9.40 The pair of semis fronting onto Hatch Lane (H4 and H5) is sited approximately 7m further forward than the neighbouring property to the south (Greenridge) but would not intrude through a 45 degree angle taken from the nearest window on the front elevation. The proposed semis would therefore not cause any undue visual intrusion or loss of light. A first floor terrace with a privacy screen is proposed to the rear elevation, offset from the shared boundary by approximately 4.5m. As such, views towards Greenridge from would be oblique and oblique views are mutual and common in suburban locations such as this. Details of the privacy screen can be secured by condition.
- 9.41 Another pair of semis (H6 and H7) is sited perpendicular to Greenridge, approximately 8m from the shared boundary with the rear garden. This distance together with the scale of the proposed house (approximately 20.5m in width and 7.5m in height) and form (gable roof sloping away from the shared boundary) is considered to sufficiently mitigate any visual intrusion and loss of light to the rear garden. Two first floor rear windows are proposed, which serve habitable rooms (bedrooms) but direct views avoid the sensitive 3m private space behind the rear elevation of Greenridge. Together with the 8m distance, H6 and H7 are not considered to result in any undue overlooking. First floor terraces originally proposed at H6 and H7 have been removed from the scheme and replaced by Juliette balconies and so there would be no loss of privacy in this respect.
- 9.42 Due to the siting and orientation of Block C in relation to Greenridge and Windsor Girls School, it is not considered to have any undue impact in terms of visual intrusion or loss of light. There would be windows on the east elevation, which would face the playing grounds of Windsor Girls School, but views would not be materially different from existing views from the Hospice or from neighbouring houses. As such, it is not considered there would be any undue loss of privacy.
- 9.43 Block B would increase the visual presence of built development when viewed from no. 1 and 7-12, and 13 Longbourn but the separation distance of approximately 20m at the nearest point is considered to sufficiently mitigate any undue visual intrusion or loss of light to habitable rooms. The orientation of Block B and the stepped elevation, which breaks up mass and bulk, is considered to sufficiently mitigate any undue visual intrusion or loss of light to the garden areas of no.1, 7-12 and 13 Longbourn. In terms of privacy, due to the placement of proposed balconies and windows any direct views towards no. 7-12 Longbourn would be to the rearmost section of the garden, or to the main garden area but at a distance of over 15m. This is not considered to reduce amenity of this property in terms of privacy to an unacceptable level. There would be some direct views towards no. 13 Longbourn, but there would be a distance of approximately 13m from the nearest balcony / windows to the garden boundary of no. 13 Longbourn which is considered acceptable. There would be some direct views from Block C towards No. 1 Longbourn, but at a distance of approximately 15m, which is considered to mitigate any undue overlooking.
- 9.44 The proposed houses and flats are of a reasonable size commensurate to the number of bedrooms, and the internal layout and room sizes are sufficient to function for the purposes for which they are intended. All habitable rooms are also considered to benefit from a satisfactory outlook, natural light and ventilation to provide an acceptable living standard.
- 9.45 In relation to outdoor amenity space, the proposal fails to provide satisfactory private amenity space in accordance with the standards set out in the Borough Design Guide for houses H4 and H5, the 2 x 1-bed flats above the car port, and flats A5-A12 and B1. However, given that the majority of units meet the recommended standards, and considering the overall quality of accommodation and amenity space as a whole, on balance the proposal is not considered to warrant refusal on these grounds.

v Highway Safety and Parking Provision

- 9.46 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

Access

- 9.47 The development proposes relocating the existing vehicular access into the site by approximately 5m to the south. As shown on the proposed site layout, the proposed vehicular access is approximately 6.0m wide, which is sufficient to accommodate two-way opposing flows, and a swept path analysis has been submitted to demonstrate that vehicles, including refuse collection vehicles, can enter and exit the site in forward gear. Satisfactory visibility splays at the junction with Hatch Lane commensurate with the speed limit can also be achieved. For the individual vehicular access serving the proposed houses fronting Hatch Lane, drawing no. 8190395/6104 rev. A (Appendix B, Transport Statement Addendum) demonstrates 2m x 2m pedestrian visibility splays can be achieved at all driveways onto the public highway. During the course of the application, the driveway to H1 was relocated to avoid conflict with the 'speed bump' on Hatch Lane. As such, the proposal is considered safe in this respect. The access and visibility plans can be secured by condition.
- 9.48 The Transport Statement Addendum has confirmed dedicating part of the site to increasing the width of the adjoining footway on the eastern side of Hatch Lane from approximately 1.3m to 2.0m, which will benefit pedestrians. A legal agreement between the applicant and RBWM under S278 of the Highways Act to enable these works can be secured by condition
- 9.49 A new pedestrian access is proposed within the northern boundary of the site between Block A and B, leading to the public footpath from Hatch Lane to Longbourn. While concerns have been raised that this will create a shortcut, this is considered to be beneficial to local residents and is supported by the Borough Wide Design Guide which states that all new development will be expected to connect into surrounding routes. There is no objection to this element.

Trip Generation

- 9.50 To determine the impact of the development on the local highway network, the submitted Transport Statement compares the trips generated by the existing facility against the proposed development. The methodology to determine the existing and proposed trip rates is acceptable, and demonstrates that the traffic generation for the existing use would generate approximately 2 2-way trips for both the AM peak and PM peak while the proposed use would generate approximately 7 2-way trips in the AM peak and 6 2-way trips in the PM peak. While there is an increase in trips, the level is not considered to give rise to a severe impact on the local highway network or in terms of air quality both individually and cumulatively with other development to warrant refusal.

Parking

- 9.51 For C3 (active elderly) use the Council's Parking Strategy sets a maximum parking of 1 space per unit, which equates to a maximum of 45 car parking spaces for the proposed development. However, the NPPF, which is material consideration of significant weight and post-dates the Council's Parking Strategy, states that maximum parking standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In this case, the increase in trip generation as a result of the proposal is limited. Therefore, it not considered to warrant management in this respect and the total provision of 49 car parking spaces (1 allocated car parking space for each house, and 42 unallocated car parking space for the apartments) is acceptable.
- 9.52 The submitted Transport Statement Addendum has confirmed the provision of 2 disabled car parking spaces, to be located as close as possible to building entrances, and the provision of charging bays for electric cars (20% active, 20% passive). This is acceptable and details can be secured by condition.
- 9.53 The Council's Planning for an Aging Population SPD states that cycle parking should be provided at a level of 1 space per 5 units. 14 cycle parking spaces are proposed, which is in compliance with this standard. The spaces comply with the West London Cycle Parking Guidance (current best practice) and are provided in two secure storage units near to the car parking areas. Full details can be secured by condition.

vi Sustainable Drainage

9.54 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. A Flood Risk Assessment has been submitted to support the application, which includes a sustainable drainage strategy. It is proposed that surface water run-off from the development site should be managed by two geo-cellular storage tanks. One of the attenuation tanks be located beneath the car parking area to the south of Block B and the second tank will be located beneath the car parking area to the eastern side of dwelling H1 and western side of Block A. The geo-cellular storage tanks will be used to attenuate surface water flows with suitable outflow control. The attenuated surface water flows from the proposed development would be discharged via gravity to the closest surface water manhole which serves properties located to the north-east of the site. Thames water have confirmed that they have no objection regarding the surface water network infrastructure capacity. On this basis, the proposed surface water strategy is acceptable in principle. Further details will be required on how surface water flows are to be directed to the surface water drainage system and how exceedance flows are to be dealt with, but it is considered that these details can be secured by condition.

vii Affordable Housing

9.55 Local Plan policy H3 states that the Council will seek to achieve a proportion of the total capacity of suitable residential schemes to be development in the form of affordable housing to meet the needs of 'qualifying persons' as defined by Council. Suitable sites include sites of 0.5ha or over, or scheme proposing 15 or more net additional dwellings. The supporting text of Policy H3 states that in general the Council will seek to achieve the provision of 30% of the total units provided on any individual site as affordable housing. For the proposal, this would equate to 14 units.

9.56 The planning statement confirms the provision of 30% (14 units) in accordance with policy H3, to be delivered as shared ownership. In term of tenure, Local Plan policy H3 is silent on this matter but it refers to identified local need which the SHMA sets out in detail. For older persons accommodation there is an unmet demand for shared ownership, which the proposal would help meet. It is also understood that the applicant has accepted an offer from a Registered Provider to manage the 14 x 2-bed shared ownership flats when completed. The offer letter from the Registered Provider is subject to various conditions including completion of a satisfactory Section 106 agreement and nomination arrangements with the local authority. These conditions are an effective and acceptable way of ensuring the affordable housing is delivered to meet local housing needs in the borough.

9.57 As a further material consideration, paragraph 64 of the NPPF states that at least 10% of the overall homes are expected to be available for affordable home ownership as of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. This would equate to 5 units, which the proposal complies with.

9.58 The affordable housing provision can be secured by a S106 legal agreement. A legal agreement can also be worded that the percentage discount of open market value can remain in perpetuity so the units will remain affordable.

viii Open Space

9.59 Local Plan policy R3 states that the Council will require new housing developments to make appropriate provision for public open space, while policy R4 states that for sites measuring between 0.4ha to 1ha, such as this, the Council would require a children's play space in accordance with R5. Local Plan policy R5 states that within new development of family houses on sites larger than 0.4ha or 15 units (whichever is the smallest) the Council will require a Local Area for Play (LAP) and within new development of family houses on sites larger than 0.8ha or 50 units (whichever is the smallest) the Council will also require a Local Equipped Area for Play (LEAP).

9.60 In this case while there are private and communal gardens within the proposal there is no area of public open space within the site. However, the proposal is not for family houses, but retirement housing. Furthermore, it is noted that Longbourne Park, which is owned by RBWM, is approximately 100m away from the site. A new pedestrian access is also proposed within the northern boundary of the site between Block A and B, leading to the public footpath from Hatch Land to Longbourn. This is considered to provide a convenient access to Longbourne Park. As such, the lack of public open space within the development is acceptable. The provision of this access can be conditioned.

ix Ecology

9.61 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, due to the scale and nature of the proposed development together with the distance of proposal from the SAC. Therefore, an appropriate assessment is not required.

9.62 As a material consideration Paragraph 175 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. Furthermore, protecting and enhancing the natural environment forms part of the 'Environmental' dimension of 'Sustainable Development' and paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity.

9.63 An Ecology Report (November 2019) has been submitted to support the proposal, which has been undertaken to an appropriate standard and concludes that the existing buildings are unlikely to host roosting bats. However, foraging and commuting bats and nesting birds are likely to use the site. The submitted Ecology Report recommends compensation for lost habitat and biodiversity enhancements including planting of species-rich grassland, native trees and landscape planting, installation of bird and bat boxes on and around the building, and creation of log piles. On this basis, a condition is recommended to secure a Landscape Ecological Management Plan (LEMP), including a landscape plan, to show the location and details of biodiversity features to be submitted to and approved by the Local Planning Authority. The LEMP should also include details on the ongoing management of these habitat features.

9.64 The Ecology Report also recommends a wildlife sensitive lighting strategy, and the application is supported by a lighting plan. The lighting plan shows low lux levels with minimum spillage, and therefore likely to have a minimal effect on wildlife. The lighting plan can be secured by condition.

x Other Material Considerations

Housing Land Supply

9.65 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.66 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'

9.67 At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF. Therefore, for the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 7, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable on the chargeable floor area at a rate of £295.20 per square metre.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in section 9 (ix) it is considered that in this instance the tilted balance should be applied. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.2 The proposal is considered compliant with planning policy in terms of principle of development; impact on character and appearance of the area; trees; residential amenity; highway safety and parking; sustainable drainage; affordable housing; open space; and ecology. This should be allocated neutral weight.

11.3 Weighing in favour of the proposal paragraph 68 of the NPPF states that local planning authorities should support the development of windfall sites through policies and decisions and give great weight to the benefits of using suitable sites within existing settlements for homes. The site is considered to be a windfall site (sites not specifically identified in the development plan) and considered to be a suitable site within an existing settlement for homes. Furthermore, comprising of previously developed land for residential development, paragraph 118 of the NPPF goes on to state that planning decisions should give substantial weight to the proposal.

11.4 It is not considered that any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits outlined above and the development is therefore recommended for approval.

12. APPENDICES TO THIS REPORT

- Appendix A – Site location plan and site layout
- Appendix B – Plan and elevation drawings

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The residential units within the buildings hereby approved shall be used solely for the designated purpose of providing self-contained independent living units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved residential units, will have a minimum age of not less than 55 years old (or a spouse or partner living as part of a single household with such person or persons). The buildings shall not be used or occupied for any other purpose, including equivalent provision in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any subsequent or equivalent provision, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No permitted changes of use shall occur unless express permission of the Local Planning Authority has been obtained.
Reason: In the interest of proper planning and to ensure satisfactory living environment for occupiers.
- 3 The development shall be carried out and maintained in accordance with the details of slab levels as shown on drawing no. 1200 A, 1201 E, 1207 B, 1300 D, 1310A and 1302 E received 10 July 2020.
Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows.
Relevant Policy - Local Plan F1.
- 4 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 5 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 6 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 7 The development shall not be occupied until the landscape and ecological management plan (LEMP) has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following. a) Description and evaluation of features to be managed, as well as biodiversity enhancements including planting of species-rich grassland, native trees and landscape planting, installation of bird and bat boxes on and around the building, and creation of log piles. b) Ecological constraints on site that might influence management c) Aims and objectives of management. d) Prescriptions for management actions. e) Preparation of a work schedule including a 5 year plan f) Details of the body or organisation responsible for implementation of the plan. The LEMP will be implemented as approved and shall be retained in accordance with the approved details.
Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR3 of the submitted Local Plan and paragraph 175 of the NPPF.
- 8 No external lighting (including floodlighting) shall be installed until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment - Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.- Hours of operation of any external lighting. The approved lighting plan shall thereafter be implemented as agreed.
Reason: To ensure that wildlife is not adversely affected by the proposed development in line with the NPPF.

- 9 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 10 Prior to the installation of underground utilities, apart from areas of existing hardstanding, details including their location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: To ensure that the any existing and new planting is not compromised. Relevant Policies - Local Plan DG1, N6.
- 11 No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to: a) Procedures for maintaining good public relations including complaint management, public consultation and liaison b) Arrangements for liaison with the Environmental Protection Team c)) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works d) Control measures for dust and other air-borne pollutants. e) Measures for controlling the use of site lighting whether required for safe working or for security purposes. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.
- 12 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 13 Prior to the commencement of construction of the new development a Section 278 (of the Highways Act 1980) Agreement shall be submitted to the Highways Authority for the works to improve the footpath on Hatch Lane, the full details of which are to be agreed with the Council. The development shall not be occupied until the aforementioned works, as approved through the S278 Agreement, has been carried out in full.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 14 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5
- 15 Prior the occupation of any dwellings 11 spaces (car parking bays 1-9, 20-21) shall be active charging bays for electric cars and 10 spaces (car parking bays 17-18, 30-31, 35-36, 41-43) shall be passive charging bays for electric cars; and 2 disabled car parking bays shall be located close to the building entrances.
Reason: To meet required parking standards and to ensure sustainable development.
- 15 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.
- 16 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the

parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

17 The development shall not be occupied until the gated access to the public footpath along the northern site boundary leading from Hatch Lane to Longbourn has been provided.

Reason: To improve pedestrian links. Relevant Policy - Local Plan DG1.

18 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted Flood Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details; supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems and the agreed discharge rate of 2 l/s and the attenuation volumes to be provided; and details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage systems shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.

19 Prior to its installation, detailed drawings and information of the materials/glazing of the proposed privacy screen to the first floor terraces at houses H1, H2, H3, H4, H5, H6 and H7 shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter only be installed and maintained in accordance with these approved details.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

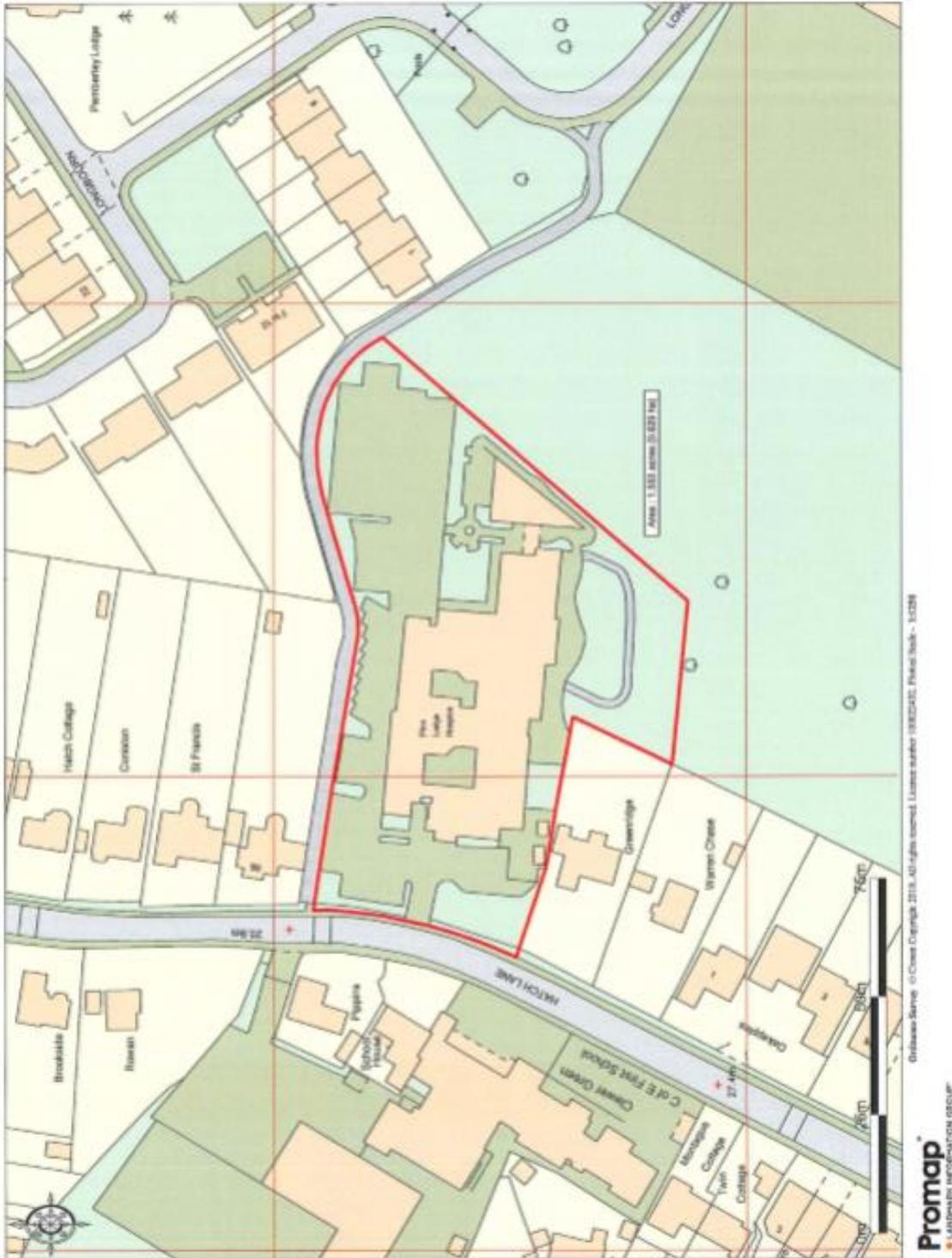
20 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

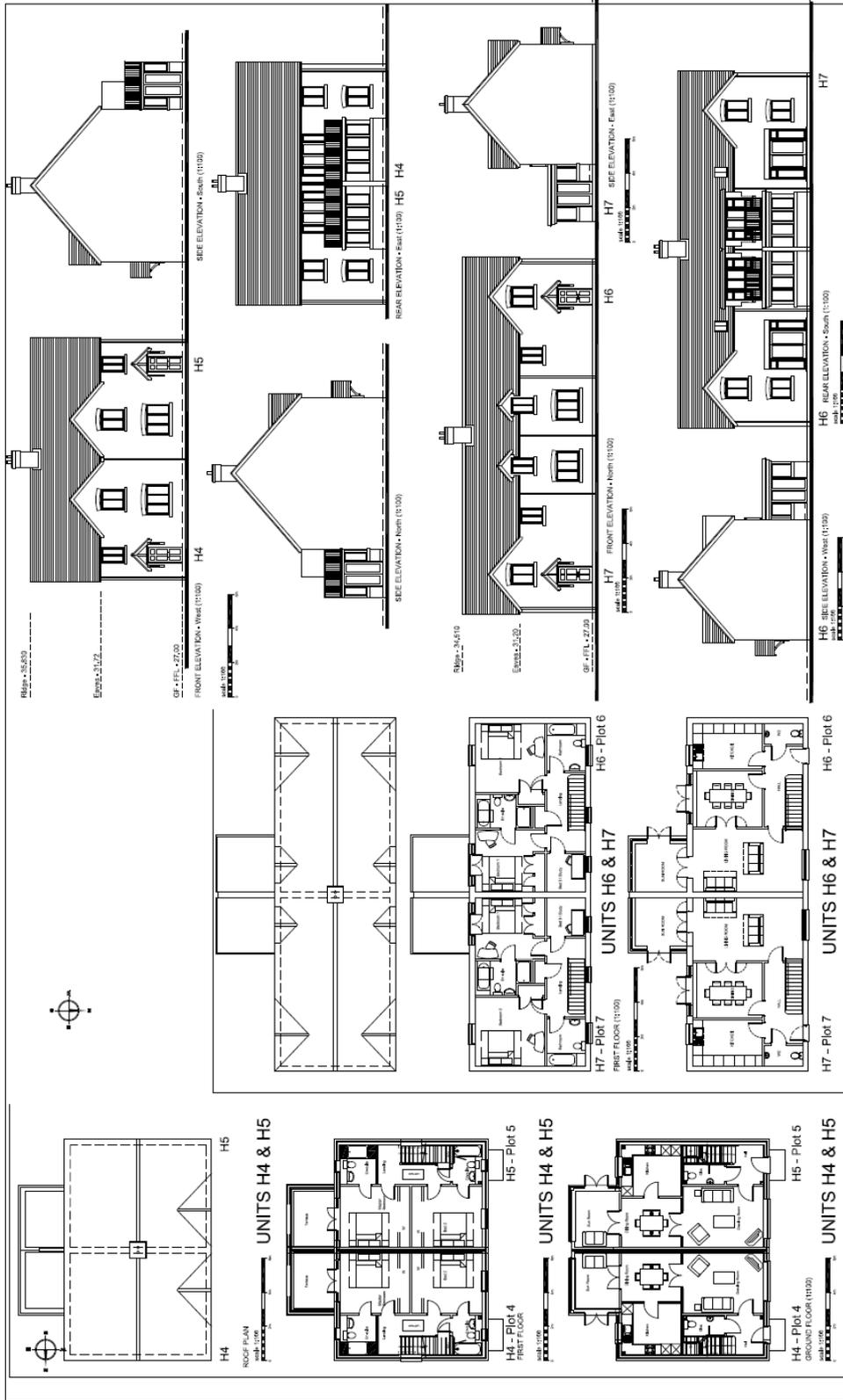
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 2 The developer is advised to notify Thames Water if mains water is used for construction purposes to avoid potential fines for improper usage. More information can be found online at www.thameswater.co.uk/buildingwater.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Appendix A – Site Location Plan and Site Layout





Proposed Residential Development
Heath Lane
Windsor

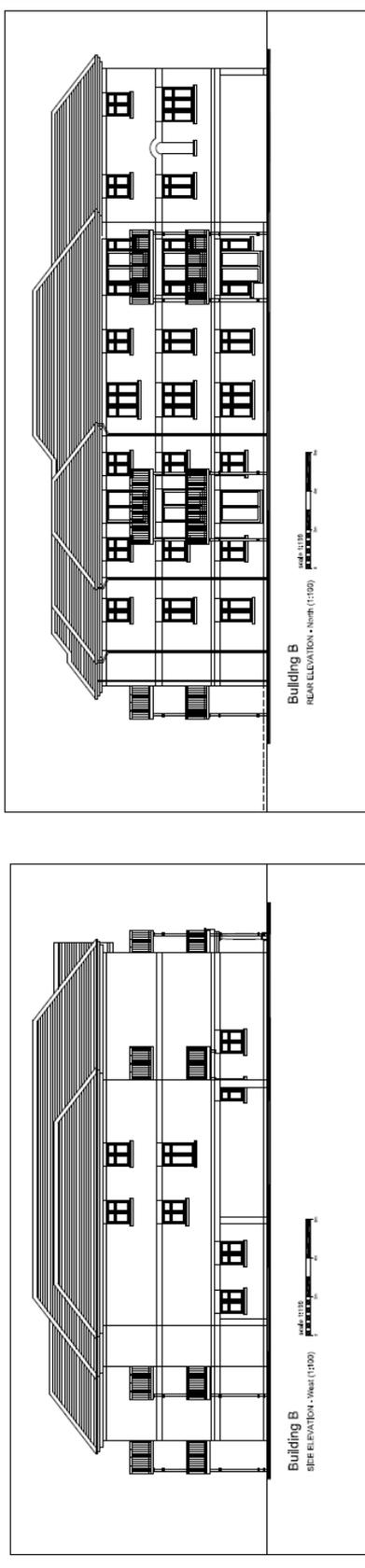
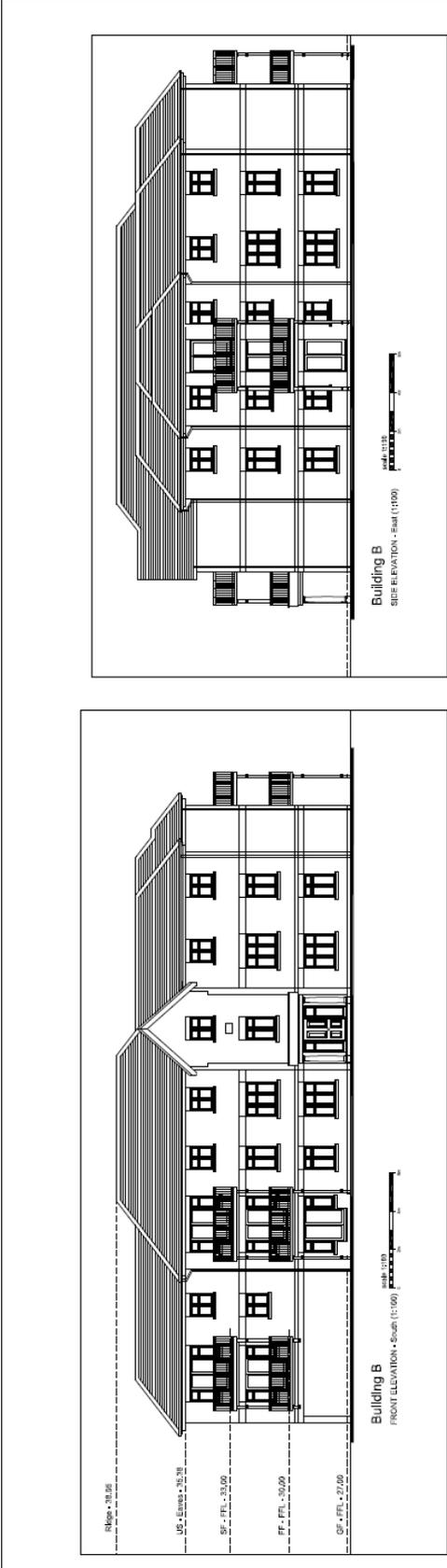
EDGINGTON SPINK + HYNE
CHARTERED ARCHITECTS

EDGINGTON SPINK + HYNE ARCHITECTS
11, BRAYLEY ROAD, BRAY, BUCKINGHAMSHIRE, MK9 2JG
TEL: 01296 412222 FAX: 01296 412223
WWW.EDGINGTONSPINKHYNE.CO.UK

Proposed House Plans and Elevations
Units H4, H5, H6 & H7

Scale: 1:100
Date: June 2020
Drawn: SPH
Checked: JSH
No: 2019

NOTE:
ALL DIMENSIONS MUST BE CHECKED ON SITE AND NOTED
IF ANY DISCREPANCIES ARE FOUND. ALL DIMENSIONS
SHOWN ON THIS DRAWING ARE TO FACE UNLESS OTHERWISE
STATED. OPERATIONS AND CONTRACT DOCUMENTS
SHOULD BE REFERRED TO FOR FURTHER INFORMATION.
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NOTES:

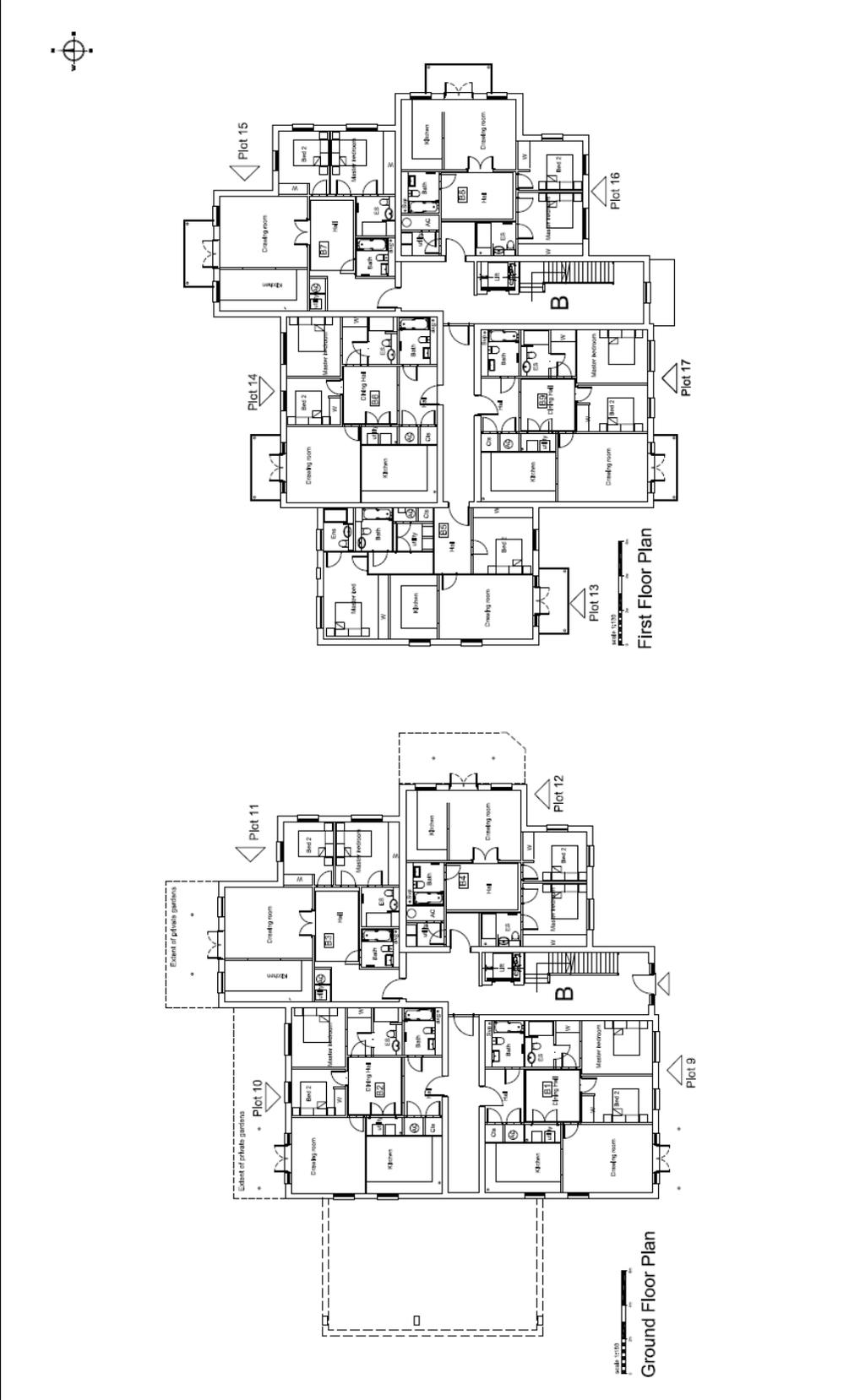
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Proposed Residential Development
Hudson Lane
Westerly

Proposed Elevations
BUILDING B
DATE: 12/15/18
BY: JUNE 2026
CHK: JUNE 2026
APP: 12/15/18

EDGINGTON
SPINK + HYNE
CHARTERED ARCHITECTS

100 WILSON ROAD, WESTERLY, CONNECTICUT 06897
 860.534.1100
 100 WILSON ROAD, WESTERLY, CONNECTICUT 06897
 100 WILSON ROAD, WESTERLY, CONNECTICUT 06897



Proposed Residential Development
 Histon Lane
 Wisour

Proposed Apartment Plans - GP A, FP
 BUILDING B

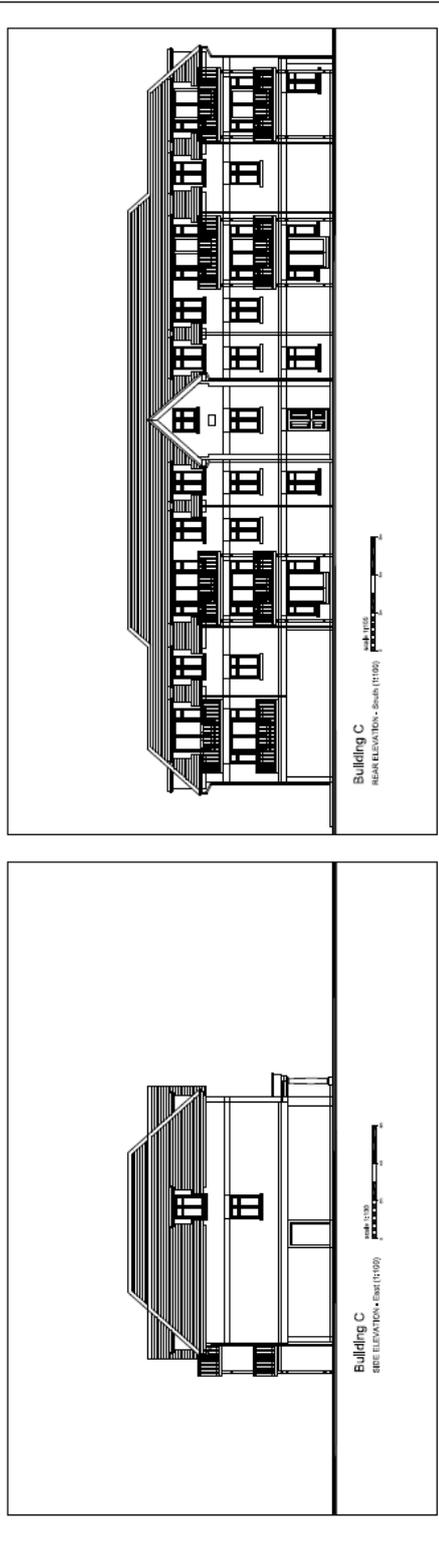
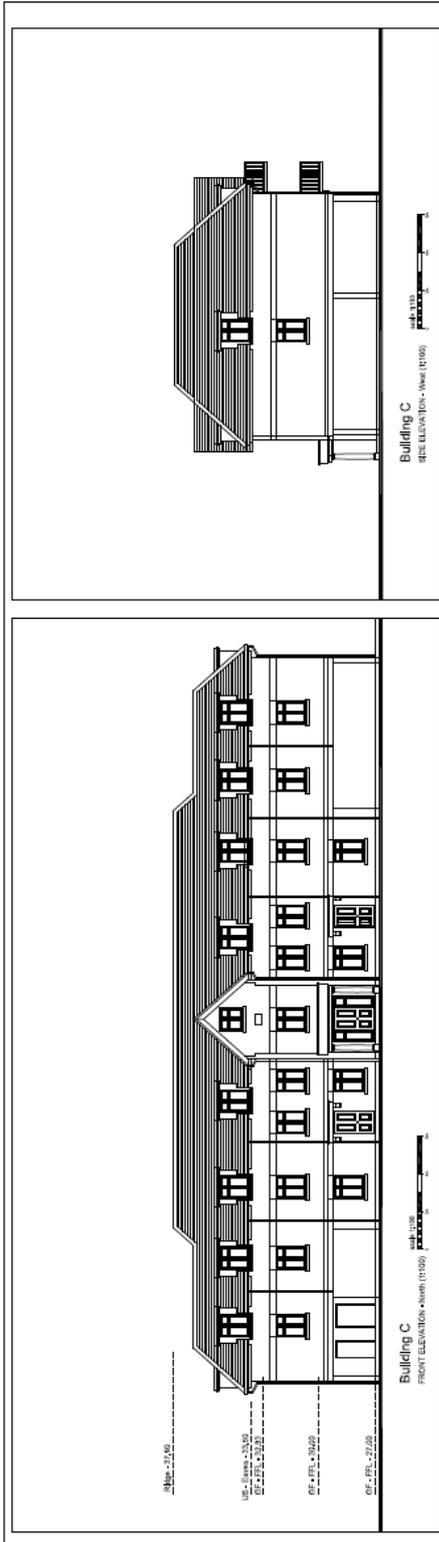
SCALE: 1:100
 DATE: June 2026
 SHEET: 0519

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 SPINK + HYNE
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EDGINGTON ARCHITECTS, 10, BEECHILL COURT, 14, BUCKINGHAM SQUARE, LONDON, W1J 7JH
 TEL: 020 7414 1111
 FAX: 020 7414 1112
 WWW.EDGINGTONARCHITECTS.CO.UK

NOTES

ALL DIMENSIONS MUST BE CHECKED ON SITE AND NOT SOLELY RELY ON THESE PLANS. ALL DIMENSIONS MUST BE CHECKED WITH ALL RELIANT ARCHITECTURAL AND STRUCTURAL SERVICES AND CHECKED TO BE REPORTED TO THE ARCHITECT. THIS DOCUMENT IS CONFIDENTIAL.



NOT TO SCALE
 ALL DIMENSIONS ARE APPROXIMATE
 AND SHOULD BE VERIFIED BY THE
 ARCHITECT PRIOR TO CONSTRUCTION
 OF THE PROJECT.

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 CHARTERED ARCHITECTS

1000 W. 10TH STREET, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 WWW.EDGINGTONSPINKANDHYNE.COM

Proposed Redwood Development
 14000 E. Harvard Ave.
 Denver, CO 80231

Proposed Elevations
 DRAWING NO. 2023-001
 DATE: 01/19/23
 SCALE: AS SHOWN



Street Scene Along Access Road Facing North

